

1 **MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING**  
2 **HELD TUESDAY, DECEMBER 20, 2016 AT 7:00 P.M. IN THE COTTONWOOD HEIGHTS**  
3 **CITY COUNCIL CONFERENCE ROOM LOCATED AT 2277 EAST BENGAL**  
4 **BOULEVARD, COTTONWOOD HEIGHTS, UTAH**  
5

6 **Members Present:** Mayor Kelvyn Cullimore, Councilman Scott Bracken, Councilman Mike  
7 Shelton, Councilman Mike Peterson, Councilman Tee Tyler

8  
9 **Staff Present:** Community and Economic Development Director Brian Berndt, City Manager  
10 John Park, Finance Director Dean Lundell, Police Chief Robby Russo,  
11 Assistant Fire Chief Mike Watson, Public Works Director Matt Shipp,  
12 Assistant City Manager Bryce Haderlie, City Attorney Shane Topham, City  
13 Recorder Paula Melgar, Public Relations Specialist Dan Metcalf

14  
15 **Others Present:** Russell Olsen with Larson & Rosenberger, LLC., Michael Odrabina  
16  
17

18 **1.0 WELCOME/PLEDGE/ACKNOWLEDGEMENTS**  
19

20 1.1 Mayor Kelvyn Cullimore called the meeting to order at 7:00 p.m. and welcomed those  
21 attending.  
22

23 1.2 Councilman Peterson led the Pledge of Allegiance.  
24

25 1.3 Councilman Bracken introduced Youth City Council, Michael Odrobina, from Hillcrest High  
26 School.  
27

28 **2.0 CITIZEN COMMENTS**  
29

30 2.1 Pamela Palmer gave her address as 3523 East 8740 South and thanked those who made the  
31 Town Hall Meeting possible. She reported that BYU students teamed up with the City to  
32 survey the residents to help determine the future of Wasatch Boulevard. Nearly 100 residents  
33 were also present to discuss traffic problems, future growth, density, and clean air. It was  
34 noted that the survey was very user friendly. She expressed dismay when the Planning  
35 Commission approved a rezoning and a zone map change to 9121 South North Little  
36 Cottonwood Road. She suggested a moratorium be imposed on development, rezoning, or  
37 zone map changes along the Wasatch Corridor until the survey results can be reviewed, an in-  
38 depth study conducted, and an effort made to work with citizens to plan for the future.  
39

40 2.2 City Attorney, Shane Topham, reported that a temporary zoning ordinance can be in place for  
41 no more than six months and the City Council would need a compelling reason to take such  
42 action. There were no further comments.  
43

1 **3.0 REPORTS/PROCLAMATIONS/RECOGNITIONS**

2  
3 **3.1 Fiscal Year 2016 Audit and Comprehensive Annual Financial Report.**

4  
5 3.1.1 Russell Olsen, from Larson & Rosenberger LLC., presented the 2016 Audit and  
6 Comprehensive Annual Financial Report. He reported that they have audited the City's  
7 financial statements, which are the responsibility of City management. It was the auditors'  
8 responsibility to issue their opinion on the statements. It was their opinion that the statements  
9 are clean and materially correct. They considered the City's internal controls and compliance  
10 and found no issues. Mr. Olsen reported that the State of Utah requires City Treasurers to be  
11 bonded for a certain amount of money, which is determined by the prior year's revenue. It  
12 was determined that this did not comply numerically with the requirements and it was  
13 recommended that the City make sure that the Treasurer's bond is adequate. He pointed out  
14 that in years where cities have received bond money, their bond revenue skyrockets the first  
15 year but stabilizes afterward. Staff confirmed that they understand the process.

16  
17 3.1.2 Mayor Cullimore expressed appreciation to staff for their hard work, which resulted in the  
18 City being the recipient of several distinguished awards over the past decade.

19  
20 **4.0 Standing Monthly Reports.**

21  
22 **4.1 a. Monthly Financial Report – Treasurer Dave Muir.**

23  
24 4.1.1 City Treasurer, David Muir, presented the Financial Report for the month of November 2016  
25 and stated that sales tax is on track and projected to be several hundred thousand over budget.  
26 The Energy Use Tax is at approximately 13%, which equates to \$250,000. He noted that the  
27 cable television tax was expected to gain momentum.

28  
29 4.1.2 Mayor Cullimore reported that the unassigned General Fund balance was approximately \$2.1  
30 million. That reserve increased this year due to the large revenue year, but speaks to the fact  
31 that they still have \$1 million of spendable unassigned balance. Some of that has been  
32 appropriated into the current year's budget, as it is every year. The Municipal Energy Tax is  
33 expected to trend over budget by 13%.

34  
35 **4.2 b. Unified Fire Report – Chief Mike Watson.**

36  
37 4.2.1 Acting Chief, Mike Watson, presented the November 2016 Fire Report and stated that both  
38 Stations 110 and 116 had their slowest month of the year. Together both stations closed with  
39 39 fire calls and 108 medical calls. Big Cottonwood Canyon received four canyon calls and  
40 Little Cottonwood Canyon had three. November medical calls were reviewed. Chief Watson  
41 reported that the top fire call categories included alarms, smoke investigations and arching  
42 lines or lines down. Station 110 transported 24 of 37 Advanced Life Support Calls (ALS) and  
43 16 of 37 Basic Life Support Calls (BLS) for a total of 40 transports. Station 116 transported  
44 11 of 15 ALS calls and 7 of 19 BLS calls. The customer service report was reviewed. Chief  
45 Watson expressed gratitude to those in the community who took the time to prepare meals for  
46 public servants and welcome them into their homes. The safety message included children  
47 walking to school in the cold, car safety issues, and carbon monoxide and smoke detector  
48 maintenance. The procedure for a gas line break was described.

1  
2 4.2.2 Chief Watson reported that new UFA Fire Chief, Dan Peterson, of Medford, Oregon will  
3 begin work on January 17, 2017. He is very people-oriented and has started making  
4 appointments to meet with crew members and others on the team.  
5

6 4.2.3 Mayor Cullimore commended Chief Watson for leading the UFA and for the fine work he has  
7 done to keep the agency together and the difficult decisions that came with it.  
8

9 **5.0 ACTION ITEMS**

10  
11 **5.1 Ordinance 263-A Approving McCormick General Plan Amendment.**  
12

13 5.1.1 Mayor Cullimore reported that the above Ordinance approves the McCormick General Plan  
14 Amendment. As explained to the Council, the underlying land use for most of Fort Union  
15 was changed to a mixed-use zoning or land use designation. The McCormick properties were  
16 not included in that grouping but have applied to have their underlying land use and an actual  
17 rezoning change approved. This has gone through the Planning Commission, who  
18 recommended approval and a public hearing was held. Councilman Bracken commented that  
19 of properties along the corridor, this property predates the zoning change.  
20

21 **5.1.2 MOTION:** Councilman Tyler moved to approve Ordinance 263-A. The motion was  
22 seconded by Councilman Peterson. Vote on motion: Councilman Shelton-Aye, Councilman  
23 Bracken-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, and Mayor Cullimore-Aye.  
24 The motion passed unanimously.  
25

26 **5.2 Ordinance 263-D Denying McCormick General Plan Amendment.**  
27

28 5.2.1 The above item was deemed unnecessary.  
29

30 **5.3 Ordinance 264-A Approving McCormick Rezone.**  
31

32 5.3.1 Mayor Cullimore reported that the above Ordinance approves the rezone to the underlying  
33 land use.  
34

35 **5.3.2 MOTION:** Councilman Bracken moved to approve Ordinance 264-A. The motion was  
36 seconded by Councilman Shelton. Vote on motion: Councilman Shelton-Aye, Councilman  
37 Bracken-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, and Mayor Cullimore-Aye.  
38 The motion passed unanimously.  
39

40 **5.4 Ordinance 264-D Denying McCormick Rezone.**  
41

42 5.4.1 The above item was deemed unnecessary.  
43

44 **5.5 Resolution 2016-97 Approving Independent Contractor Agreement with Kim Horiuchi**  
45 **for Editing Services.**  
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47 5.5.1 Mayor Cullimore introduced Kim Horiuchi, a former editor for *The Deseret News* and former  
48 member of the Canyons School District and Jordan School District Boards. She was

1 instrumental in working with the mayors on the east side to create the Canyons School District  
2 and was one of the original members of the Butlerville Days Committee.

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4 **5.5.2 MOTION:** Councilman Peterson moved to approve Resolution Number 2016-97. The  
5 motion was seconded by Councilman Tyler. Vote on motion: Councilman Shelton-Aye,  
6 Councilman Bracken-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, and Mayor  
7 Cullimore-Aye. The motion passed unanimously.

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9 **5.6 Resolution 2016-98 Approving Storm Water Discharge and Ditch Maintenance**  
10 **Agreement with Little Cottonwood Tanner Ditch Company.**

11  
12 5.6.1 Mayor Cullimore reported that the above Resolution approves an agreement for storm water  
13 discharge and ditch maintenance agreement with Little Cottonwood Tanner Ditch Company.

14  
15 5.6.2 Mr. Topham stated that the Little Cottonwood Tanner Ditch Company is a private irrigation  
16 company and a non-profit corporation that is separate from the City. The surrounding cities  
17 began using the ditch system to carry storm water. Salt Lake City entered into a maintenance  
18 agreement for many years where the County paid a portion of the maintenance costs associated  
19 with the ditch and performed other maintenance in exchange for being able to use the ditch  
20 for storm water purposes. They have since left the storm water business and the agreement  
21 was terminated. The proposed Resolution approves Cottonwood Heights entry into the Ditch  
22 Maintenance Agreement, which provides for the City to pay a portion of the maintenance  
23 costs incurred by the company and performing other maintenance obligations and indemnities  
24 if the ditch overflows. He believed this to be an acceptable compromise.

25  
26 **5.6.3 MOTION:** Councilman Tyler moved to approve Resolution Number 2016-98. The motion  
27 was seconded by Councilman Shelton. Vote on motion: Councilman Shelton-Aye,  
28 Councilman Bracken-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, and Mayor  
29 Cullimore-Aye. The motion passed unanimously.

30  
31 **5.7 Resolution 2016-99 Authorizing Disposal of Unclaimed Property or Property No Longer**  
32 **Needed as Evidence.**

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34 5.7.1 Mayor Cullimore reported that the above Resolution authorizes the disposal of unclaimed  
35 property or property no longer needed by the Police Department Evidence Program as  
36 authorized by Utah law. The resolution approves such disposition for certain items in the  
37 City's possession.

38  
39 5.7.2 Chief Russo explained that the Police Department normally purges evidence they have taken  
40 and retained until the Court has disposed of the evidence. These are cases that are no longer  
41 needed for trial. Some of the items include pre-loaded gift cards and he recommended they  
42 be used to cover public costs throughout the City.

43  
44 5.7.3 Mayor Cullimore explained that property is disposed of by being sold and put it in a City fund.  
45 With it being almost like cash, the recommendation was that it be deployed to subsidize City  
46 needs as permitted by statute. He also confirmed that this will be the last resolution for the  
47 year, and sets a record for the number of resolutions in a single year.

1 **5.7.4 MOTION:** Councilman Peterson moved to approve Resolution Number 2016-99. The  
2 motion was seconded by Councilman Bracken. Vote on motion: Councilman Shelton-Aye,  
3 Councilman Bracken-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, and Mayor  
4 Cullimore-Aye. The motion passed unanimously.  
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6 **6.0 CONSENT CALENDAR**  
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8 **6.1** There were no consent calendar items.  
9

10 **7.0 ADJOURN BUSINESS MEETING AND RECONVENE WORK SESSION IN**  
11 **ROOM 250**  
12

13 **7.1 MOTION:** Councilman Bracken moved to adjourn the Business Meeting and reconvene the  
14 Work Session. The motion passed with the unanimous consent of the Council.  
15

16 **7.2** The Business Meeting adjourned at 7:56 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the Cottonwood*  
2 *Heights City Council Business Meeting held Tuesday, December 20, 2016.*

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10 Teri Forbes  
11 T Forbes Group  
12 Minutes Secretary  
13  
14 Minutes approved: January 10, 2017